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March 22, 2018

VIA NLRB ELECTRONIC FILING

Dennis P. Walsh, Regional Director
National Labor Relations Board
Region 4
615 Chestnut Street, Suite 710
Philadelphia, PA 19106-4413

Re: United Government Security Officers of America
International Union and its Former Local 217
and Albert Frazier, an individual
NLRB No. 04-CB-202803

Dear Regional Director Walsh:

This office is now counsel to the United Government Security Officers of America (Respondent Union) and its former Local 217, and in that capacity I have assumed representation of the Unions in this matter. For some time now, I have been seeking evidence of the level of damages, if any, that the Region believes exist in this case. On Monday of this week, Attorney Bergstresser informed me that the Charging Party is alleging that deductions were made from the paychecks of former Local 217B members for payments to maintain their health insurance and 401k contributions, but that (1) no contributions were made between June 1, 2017 and December 22, 2017 to the corresponding 401k accounts, and (2) that the 217B members lost their health insurance coverage and accrued unpaid medical bills during that time frame. It appears that as of this time data is not available to determine the accuracy of those allegations and/or the value of their actual losses.

Dennis P. Walsh, Regional Director
National Labor Relations Board
Region 4
Page 2 of 3
March 22, 2018

The Respondent Union is incentivized to settle this case since it no longer represents security guards formerly employed by Allied Universal and now employed by Triple Canopy. However, it cannot seriously consider doing so without proof that damages were actually incurred and, if so, at what level. For that reason, and to avoid a costly hearing, I have suggested that the Region and the Respondent Union secure and share documentation in an effort to establish the underlying facts that would provide key information that is now lacking. In that regard, the Union can:

1. Produce records from its health and welfare fund third party administrator showing funds received from monthly on behalf of Local 217B members for all months of the period of time at issue;
2. Produce records from the third party administrator of its 401k plan funds received from monthly on behalf of Local 217B members for all months of the period of time at issue;
3. Produce list and contract information for all Local 217B members at the time of its disclaimer of interest;
4. Produce documentation of its discussions with Allied Universal over the health and welfare and 401k benefits to be available to former Local 217B members following the disclaimer of interest by the Union;
5. Undertake efforts to secure additional information from Allied Universal over the deductions made by it from the former 217B members' wages over the putative damage period and the disposition of those funds following the deductions.

With the collection and evaluation of this information we should be in a much better spot to identify damages and, in turn, to productively discuss settlement. At a minimum, we should be positioned to stipulate to most facts surrounding the damage issue even if a hearing proves necessary.

For the foregoing reasons, I suggested to Attorney Bergstresser that we jointly submit a request for postponement of the hearing for a couple of months to allow for the collection of necessary records not presently available. In turn,

McDONALD LAMOND CANZONERI

Dennis P. Walsh, Regional Director
National Labor Relations Board
Region 4
Page 3 of 3
March 22, 2018

she advised that I should put this request in writing to you. By this letter I am doing so.

Please let me know if you have any questions.

Thank you.

Very truly yours


Alan J. McDonald

AJM/sh

cc: Christy Bergstresser, Esquire (By PDF Email)
Desiree Sullivan, UGSOA President (By PDF Email)
James Natale, Director (By PDF Email)
Albert Frazier (By First Class Mail)